

32

Notice of Allowability

Application No.

10/821,008

Examiner

Kevin S. Wood

Applicant(s)

PADDON ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 14 March 2007.
2. ☒ The allowed claim(s) is/are 20-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Kevin S. Wood

**KEVIN WOOD
PRIMARY PATENT EXAMINER**

DETAILED ACTION

Response to Amendment

1. This action is responsive to the Amendment filed on 14 March 2007. Claims 1-19 have been previously cancelled. Claim 20 has been amended. New claims 30-32 have been added. Claims 20-32 are pending in the application.

Response to Arguments

2. Applicant's arguments, filed 14 March 2007, with respect to claims 20-29 have been fully considered and are persuasive. The rejections of claims 20-29 have been withdrawn. The examiner has reviewed the amendment and arguments submitted on 14 March 2007 and agrees that claims 20-29 are no longer indefinite.

Allowable Subject Matter

3. Claims 20-32 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Referring to claims 20-29, the primary reason for the allowance of these claims is the inclusion of the limitation where the at least one optical scattering element comprises a first and second scattering elements, and wherein the first and the second scattering elements have different geometrical shapes. This is a non-obvious improvement of the invention patented in U.S. Patent No. 6,788,847.

Referring to claim 30, the primary reason for the allowance of these claims is the inclusion of the limitation where the at least one optical scattering element has a geometrical shape chosen from the group consisting of elliptical hole, hemispherical hole, conical hole, rectangular hole, and geometrical shape having both vertical asymmetry and horizontal asymmetry. This is a non-obvious improvement of the invention patented in U.S. Patent No. 6,788,847.

Referring to claims 31, the primary reason for the allowance of these claims is the inclusion of the limitation where the at least one optical scattering element comprises a first and second scattering elements, and wherein the first and the second scattering elements have different geometrical volume. This is a non-obvious improvement of the invention patented in U.S. Patent No. 6,788,847.

Referring to claims 32, the primary reason for the allowance of these claims is the inclusion of the limitation where the at least one optical scattering element comprises a first and second scattering elements, and wherein the first and the second scattering elements are disposed in a first and second respective layers of at least the at least one additional layer. This is a non-obvious improvement of the invention patented in U.S. Patent No. 6,788,847.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSW


KEVIN WOOD
PRIMARY PATENT EXAMINER